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10/500,301	06/28/2004	Irina Viktorovna Vardosanidze	524552000300	9856

  

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MORRISON & FOERSTER LLP		
1650 TYSONS BOULEVARD		
SUITE 400		
MCLEAN, VA 22102		

  

EXAMINER	
SASAN, ARADHANA	

  

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1615	

  

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/500,301

Applicant(s)

VARDOSANIDZE ET AL.

Examiner

Aradhana Sasan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-11, drawn to a composition with stabilized redox properties, which corresponds to water solution and/or raw material-containing water with spontaneously changing redox properties.

Group II, claim(s) 12-22, drawn to a method of stabilization of redox properties of composition, which corresponds to water solution and/or raw material-containing water with spontaneously changing redox properties.

Group III, claim(s) 23-33, drawn to the use of amino-acids with not charged polar substitutes and/or their derivatives and/or peptides, containing mentioned amino-acids and/or their derivatives and/or their mixtures for stabilization of redox properties of composition, which corresponds to water solution and/or raw material-containing water with spontaneously changing redox properties.

2. The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical feature of Group I is a composition with stabilized redox properties. The technical feature of

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Group II is a method of stabilization of redox properties of composition. The technical feature of Group III is the use of amino-acids with not charged polar substitutes and/or their derivatives and/or peptides. Group I is drawn to a product whereas groups II and III are drawn to a method of making the product. As such, Group I and Groups II and III do not share the same special technical feature. Therefore, the claims are not so linked by a special technical feature within the meaning of PCT Rule 13.2 so as to form a single inventive concept.

### **Election of Species**

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

4. The following is a list of foodstuff as set forth in claims 5, 16 and 27:

mineral and/or drinking water, milk composition, juice, alcoholic and/or alcohol-free drink, mayonnaise, ketchup, sauce, meat, fish, vegetable and/or fruit semi-manufactured product, sausage and/or canned composition, confectionery, bread, macaroni, foodstuff with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals.

If applicant selects Group I, II or III, one species from the foodstuff group (claims 5, 16 and 27) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: mineral and/or drinking water, milk composition, juice, alcoholic and/or alcohol-free drink, mayonnaise, ketchup, sauce, meat, fish, vegetable and/or fruit semi-manufactured product, sausage and/or canned composition, confectionery, bread, macaroni, foodstuff with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals are species of a generic category, foodstuff.

The following claim(s) are generic: claims 5, 16 and 27.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: mineral and/or drinking water, milk composition, juice, alcoholic and/or alcohol-free drink, mayonnaise, ketchup, sauce, meat, fish, vegetable and/or fruit semi-manufactured product, sausage and/or canned composition, confectionery, bread, macaroni, foodstuff with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals chemically and structurally distinct chemical entities.

5. The following is a list of balneological compositions as set forth in claims 6, 17 and 28:

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mineral water, mud (peloid), clay, peat, sludge, acting as disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals.

If applicant selects Group I, II or III, one species from the balneological compositions group (claims 6, 17 and 28) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: mineral water, mud (peloid), clay, peat, sludge, acting as disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals are species of a generic category, balneological compositions.

The following claim(s) are generic: claims 6, 17 and 28.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: mineral water, mud (peloid), clay, peat, sludge, acting as disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator

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of mitotic activity of enteric bacterial micro flora useful for man and/or animals are chemically and structurally distinct chemical entities.

6. The following is a list of compositions for therapeutic and prophylactic purpose as set forth in claims 7, 18 and 29:

tooth elixir, paste, lotion, cream, water and/or oil extract of medicative herbs, biogenic preparation, gel, aerosol, tampon, deodorant, wet hygienic napkin, bandage, cotton, hydrogel tampon, collegan film, algiporic gel, coal, micro-crystal cellulose and/or polysaccharide sorbent, pectin, polyphepam, zeolite, chitin and/or chitosan film, gel, powder, solution, nutritious mask, shampoo, conditioner, solution for correction of electrolytic and/or acid -alkaline balance, solution for dialysis, nutritive and/or vitamin mixture, liquid for contact lenses, eye drops, basis for medical preparation, influencing different kinds of metabolism, including carbohydrate metabolism, phosphoric and calcium metabolism, homeostasis, hemopoiesis, hemostasis; agent, influencing immunity, correcting anti-tumoural therapy, antibiotics therapy, radio therapy used in gynecology, otorhynolaryngology, dentistry, ophthalmology, proctology, urology, for external use, dermatology; agents with disinfectant and/or antiseptic effect, preparation for treatment of disbacteriosis, antiphlogistic agent, antimicrobe agents for different groups, virulicide and antiviral agent, antituberculous agent, antimycotic agent, agent used in gastroenterology and/or in hepatology, bronchopulmonary agent, antiallergic, and also physiologic salt solution, parenteral agent for rehydration and/or detoxication, agent for correction of electrolytic and/or acid-alkaline balance, agent for parenteral alimentation, multivitamin agent with complex of biogenic adoptogens, amino-acid

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preparation, preparation using in case of functional asthenia, corrective food additive, plasma substituting and/or artificial blood substitutes, medical agent for external, intracavitary, intravenous, intramuscular, intraperitoneal, hypodermic, intradermal and/or internal administration, acting as disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals.

If applicant selects Group I, II or III, one species from the compositions for therapeutic and prophylactic purpose group (claims 7, 18 and 29) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: "tooth elixir ... stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals" are species of a generic category, compositions for therapeutic and prophylactic purpose.

The following claim(s) are generic: claims 7, 18 and 29.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: "tooth elixir ... stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals" are chemically and structurally distinct chemical entities.



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7. The following is a list of compositions for cosmetic purpose as set forth in claims 8, 19 and 30:

tooth paste, elixir, tampon, cream, gel, aerosol, perfume, eau-de-Cologne, lotion, deodorant, wet hygienic napkin, shampoo, conditioner, cosmetic agent with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals.

If applicant selects Group I, II or III, one species from the compositions for cosmetic purpose group (claims 8, 19 and 30) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: "tooth paste ... stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals" are species of a generic category, compositions for cosmetic purpose.

The following claim(s) are generic: claims 8, 19 and 30.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: "tooth paste ... stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals" are chemically and structurally distinct chemical entities.

8. The following is a list of compositions for animal breeding as set forth in claims 9, 20 and 31:

medical preparation, feed and drink with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals.

If applicant selects Group I, II or III, one species from the compositions for animal breeding group (claims 9, 20 and 31) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: medical preparation, feed and drink with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals are species of a generic category, compositions for animal breeding.

The following claim(s) are generic: claims 9, 20 and 31.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: medical preparation, feed and drink with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral,

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antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals are chemically and structurally distinct chemical entities.

9. The following is a list of compositions for veterinary purposes as set forth in claims 10, 21 and 32:

feed and drink and/or medical preparation with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals.

If applicant selects Group I, II or III, one species from the compositions for veterinary purposes group (claims 10, 21 and 32) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: feed and drink and/or medical preparation with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals are species of a generic category, compositions for veterinary purposes.

The following claim(s) are generic: claims 10, 21 and 32.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: feed and drink and/or medical preparation with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, antiviral, antiphlogistic agent, as stimulator of regeneration of tissues and as stimulator of mitotic activity of enteric bacterial micro flora useful for man and/or animals are chemically and structurally distinct chemical entities.

10. The following is a list of fertilizer for agriculture as set forth in claims 11, 22 and 33:

fertilizer for agriculture with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, and antiviral agent, as stimulator of plants growth and as stimulator of mitotic activity of microbiologic flora useful for plants

If applicant selects Group I, II or III, one species from the fertilizer for agriculture group (claims 11, 22 and 33) must be chosen to be fully responsive.

The claims are deemed to correspond to the species listed above in the following manner: fertilizer for agriculture with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, and antiviral agent, as stimulator of plants growth and as stimulator of mitotic activity of microbiologic flora useful for plants are species of a generic category, fertilizer for agriculture.

The following claim(s) are generic: claims 11, 22 and 33.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: fertilizer for agriculture with properties of disinfectant, antiseptic, preservation agent, antioxidant, antimutagen, radio-protector, immunostimulator, adoptogen, as virulicide, and antiviral agent, as stimulator of plants growth and as stimulator of mitotic activity of microbiologic flora useful for plants are chemically and structurally distinct chemical entities.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aradhana Sasan whose telephone number is (571) 272-9022. The examiner can normally be reached Monday to Thursday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL P. WOODWARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600